

### REMARKS

This is a full and timely response to the non-final Office action mailed October 17, 2003 (Paper No. 10). Reexamination and reconsideration in light of the above amendments and following remarks are courteously requested.

Claims 1-12, 25-27, 30-32, and 34-36 are now pending in the application, with Claims 1, 25, and 36 being the independent claims. Claims 1-3, 5, 7, 10, 11, 25-27, 30-32, 34, and 35 have been amended, Claims 13-24, 28, 29, and 33 have been canceled herein, and Claim 36 is newly presented. No new matter is believed to have been added.

#### I. Drawings and Specification

The drawings and specification were both objected to because the identifying indicia on FIG. 1 that corresponded to the section views depicted in FIGS. 2 and 3 were incorrect. In response, Applicants have submitted herewith two sheets of replacement drawings which provide the appropriate section view identifying indicia thereon for FIGS. 2 and 3. Moreover, the specification has been amended consistent with the drawing changes.

The drawings were also objected to under 37 C.F.R. § 1.83(a), because the drawings do not show interleaved metallic strands. In response, Applicants have canceled Claim 28.

Hence, reconsideration and withdrawal of the drawing objections is requested.

#### II. Claim Objections

Claim 7 was objected to because it did not end in a period. In response, Applicants have amended Claim 7 to include a period at the end. Thus, reconsideration and withdrawal of the claim objections is respectfully solicited.

#### III. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-12 and 25-35 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite due to various alleged informalities and recitations without proper antecedent basis. In response, and while not conceding the propriety of each of the alleged indefiniteness rejections pointed out in the Office action, Applicants have

thoroughly reviewed all of the claims and, where necessary, have cosmetically amended the claims consistent with the comments in the Office action.

Hence, reconsideration and withdrawal of each of the § 112, second paragraph rejections is respectfully solicited.

IV. Rejections under 35 U.S.C. § 102(b)

Claims 13, 14, 17, 25, and 26 were rejected under 35 U.S. C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,790,206 (Thomas), and Claims 25, 33, and 35 were rejected under 35 U.S.C § 102(b) as allegedly being anticipated by U.S. Patent No. 6,102,609 (Tsuge). These rejections are respectfully traversed, at least in light of the above amendments.

With regard to Claims 13, 14, and 17, it is noted that Claims 13-17 have been canceled herein, thus mooted the rejection of these claims. As regards Claims 25, 26, 33, and 35, it is noted that independent Claim 25 now includes the features recited in originally-filed dependent Claims 29 and 33. Hence, independent Claim 25 now recites one or more features not disclosed in either Thomas or Tsuge.

In view of the foregoing, reconsideration and withdrawal of the § 102 rejections is respectfully requested.

V. Rejections under 35 U.S.C. § 103

1. Claims 1-3, 5-9, 29, 30, and 32

Claims 1-3, 5-9, 29, 30, and 32 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent Nos. 2,830,521 (Fisher et al.) and Thomas. This rejection is respectfully traversed.

As regards Claims 1-3 and 5-9, it is noted that independent Claim 1 relates to an air outflow valve that includes a valve body and a control diaphragm mounted in the valve body, and recites, *inter alia*:

“a retainer coupled to the control diaphragm, the retainer having a body with an opening and an internal surface defining a cavity, the cavity extending from the opening a predetermined distance within the retainer; and

a cable having a first end and a second end, the first end coupled to the control arm and the second end inserted through the opening and slidably located in the retainer cavity, the second end moveable within the retainer cavity between the opening and a position along the predetermined distance of the cavity, wherein the opening of the retainer is configured to retain the second end therein."

Fisher et al. relates to a cabin pressure outflow valve that includes a valve member (17) movably mounted in a conduit (15). A spring (26), which is coupled between a disc (21) and a fixed support (28), urges the valve member (17) toward its closed position. A flexible diaphragm (32), which is mounted in a pneumatic actuator (29), is coupled to one end of a cable (38) that extends around a pulley (40) and is coupled at its other end to a quadrant (24). As was readily admitted to in the Office action, Fisher et al. does not disclose or suggest at least the above-noted features of independent Claim 1. Thus, Thomas was cited to make up for this alleged sole deficiency. However, as will now be explained, Applicants submit that the alleged combination of Fisher et al. and Thomas is not tenable, since Thomas is at least non-analogous art.

It is a basic tenet of patent law that a reference constitutes analogous art if it is either: (1) in the field of applicants' endeavor; or (2) is reasonably pertinent to the particular problem with which the inventor was concerned. In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Here, Thomas is clearly not in the same field of endeavor as the Applicants. Specifically, the invention disclosed in Thomas relates to the field of link mechanisms that selectively provide a lost motion connection between a vehicle speed control cable and a throttle valve control member. In contrast, Applicants' field of endeavor is aircraft cabin outflow valves.

Moreover, Thomas is not pertinent to the problem with which the instant invention is concerned. Specifically, the present invention was conceived to solve the problem of a cable bending and/or kinking and rubbing against the base of a pulley bracket when an air outflow valve is operated manually. Thus, Thomas would not "have commended itself to an inventor's attention in considering this problem." In re Clay, 966

F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992). As such, it is submitted that Thomas is not analogous art and therefore cannot be used as a basis for a rejection.

With respect to independent Claim 25, this claim relates to a kit for modifying an air outflow valve, and it is submitted that this claim is also non-obvious for at least the same reason as independent Claim 1. Moreover, it is submitted that neither Fisher et al., nor Thomas discloses or suggests at least the structural features of the control arm, as are now recited in independent Claim 25.

Therefore, reconsideration and withdrawal of this § 103 rejection is respectfully requested.

2. Claims 15, 16, and 27

Claims 15, 16, and 27 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Thomas and U.S. Patent No. 4,195,798 (Constantino). This rejection is respectfully traversed.

With respect to Claims 15 and 16, since Claims 13-17 have been canceled herein, the rejection of Claims 15 and 16 are mooted. With respect to Claim 27, this claim depends from independent Claim 25. Hence, Applicants submit that this claim is patentable for at least the same reasons given above with respect to independent Claim 25, since Constantino fails to disclose or suggest at least the above-noted deficiencies of Thomas (or the combination of Thomas and Fisher et al.).

Hence, reconsideration and withdrawal of this § 103 rejection is respectfully solicited.

3. Claim 28

Claim 28 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Thomas and U.S. Patent No. 5,702,433 (Taylor et al.). This rejection is respectfully traversed.

Claim 28 depends from independent Claim 25. Hence, Applicants submit that this claim is patentable for at least the same reasons given above with respect to independent Claim 25, since Taylor et al. fails to disclose or suggest at least the above-noted deficiencies of Thomas (or the combination of Thomas and Fisher et al.).

Reconsideration and withdrawal of this § 103 rejection is, therefore, respectfully requested.

4. Claims 4 and 31

Claims 4 and 31 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Fisher et al., Thomas and U.S. Patent No. 4,416,647 (White, Jr.). This rejection is respectfully traversed.

Claim 4 depends from independent Claim 1, and Claim 31 depends from independent Claim 25. Hence, Applicants submit that these claims are patentable for at least the same reasons given above with respect to independent Claims 1 and 25, since White, Jr. fails to disclose or suggest at least the above-noted deficiencies of the combination of Fisher et al. and Thomas.

Hence, reconsideration and withdrawal of this § 103 rejection is respectfully solicited.

VI. New Independent Claim 36

Newly recited independent Claim 36 combines the features of independent Claim 1 and dependent Claim 10. Since dependent Claim 10 was not rejected over any of the art of record, Applicants assume that it is directed to allowable subject matter. However, Applicants do note that originally-filed Claim 33, which was similar to originally-filed Claim 10, was rejected in the Office action as allegedly being anticipated by Tsuge. Hence, to avoid an unnecessary § 103 rejection, Applicants are taking this opportunity to point out the differences between what is allegedly disclosed in Tsuge, and what is presently recited in independent Claim 36.

Specifically, independent Claim 36 recites, in part, a control arm that includes a main body portion, and at least two arms extending from the main body portion substantially parallel with one another and spaced apart from one another to form a slot there between, each arm including an indentation collocated with the indentation in the other arm to form a retaining hole for receiving a retaining ball therein, wherein the retaining hole is dimensioned so as to allow the retaining ball to move within the retaining hole.

In the § 102(b) rejection of Claim 33, the Office action states that Tsuge discloses a control arm (J1). However, nowhere does Tsuge disclose or even remotely suggest that the control arm (J1) includes a retaining hole that is dimensioned so as to allow the retaining ball to move within the retaining hole.

In view of the foregoing, Applicants submit that new independent Claim 36 is allowable over the citations of record.

Conclusion

Based on the above, Claims 1-12, 25-27, 30-32, and 34-36 are patentable over the applied art. The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicants submit that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicants have not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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